

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC,

Plaintiff,

v.

CASE NO. 1:21-CV-00312

ISLAND PROJECT AND OPERATING
SERVICES, LLC; VITOL US HOLDING II CO.,
VITOL VIRGIN ISLANDS CORP.; ANDREW
CANNING; and OPTIS EUROPE, LTD.,

Defendants.

**VITOL DEFENDANTS' RESPONSE TO PLAINTIFF'S
MOTION TO AMEND THE FIRST AMENDED COMPLAINT**

Defendants Vitol Virgin Islands Corp. and Vitol US Holding II Co. – collectively, the “Vitol Defendants” – submit this response to Plaintiff Petro Industrial Solutions, LLC’s Motion to Amend the First Amended Complaint (Dkt. 212). Plaintiff did not seek consent from the Vitol Defendants before filing its motion to amend. After reviewing the filed motion, the Vitol Defendants respond as follows:

1. Plaintiff’s motion states that allowing the proposed Second Amended Complaint “will not extend the discovery” schedule and “Plaintiff will not need any other depositions as the claims against Vitol, Inc.” *Id.* at 3. These are critical representations. On the basis of these representations, the Vitol Defendants do not object to Plaintiff’s motion to amend.
2. Although the Vitol Defendants do not object to Plaintiff’s motion to amend, the Vitol Defendants expressly preserve (and do not waive) all rights and defenses with respect to the Second Amended Complaint, including any challenges to personal jurisdiction

by Vitol Inc., and all other arguments or defenses. If the Second Amended Complaint is allowed, the Vitol Defendants will timely file a responsive pleading to the Second Amended Complaint. *See* Fed. R. Civ. P. 15(a)(3).

3. Finally, the Vitol Defendants note that Plaintiff's motion contains numerous factual statements that are wrong—about the status of the case, about the nature and relationship of various entities, and about the underlying facts. For example, Plaintiff states: "This case is in its infancy with no scheduling order in place to date." Doc. 212 at 2-3. That is not correct. This case has been pending since the fall of 2021, and this Court's First Amended Scheduling Order (Doc. 136) governs the schedule. Under that First Amended Scheduling Order, all factual discovery was set to end on June 16, 2023, although the parties, in conference with the Court, extended that deadline for fact discovery to June 23, 2023. Thus, far from being in its infancy, fact discovery in this case is right on the verge of closing. And Plaintiff could have sought to amend far earlier than its motion. In any event, the Vitol Defendants are not responding to each of Plaintiff's other incorrect statements, but wish to be clear that they do not agree with Plaintiff's various statements.

Accordingly, on the terms above, the Vitol Defendants do not object to Plaintiff's motion to amend (Docket #212).

Respectfully submitted,

BECKSTEDT & KUCZYNSKI LLP
Attorneys for Defendants Vitol US Holding II, Co.
and Vitol Virgin Islands Corp.

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